UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
07 NOV 19 AM 10:49
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Fabian VERA-Godinez,** Defendant	Magistrate Docket No. 07 MJ 2699
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **November 15, 2007** within the Southern District of California, defendant, **Fabian VERA-Godinez,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **NOVEMBER, 2007.**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Fabian VERA-Godinez

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On November 15, 2007, Border Patrol Agents G. McArthur and T. Watson were performing assigned duties near Tecate, California. At approximately 7:45 p.m., the agents responded to the activation of a seismic sensor near an area commonly known as Bell Valley. This area is located five miles east and two miles north of the Tecate California Port of Entry and is commonly used by undocumented aliens attempting to further their illegal entry into the United States.

Agent McArthur positioned himself north of the sensor and with the use of an infrared camera, he observed five individuals walking north along a trail. At this time, Agent McArthur guided Agent Watson to the location of the group who later found the five individuals attempting to conceal themselves in a large rock pile. Agent Watson identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection on each of the five subjects. Each subject, including one later identified as the defendant **Fabian VERA-Godinez**, admitted to being a citizen and national of Mexico illegally present in the United States. Agent Watson placed each of the five subjects under arrest and transported them to the Tecate Border Patrol Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 22, 2007** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on November 17, 2007 at 9:30 a.m.

Ismael A. Canto
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **November 15, 2007**, in violation of Title **8**, United States Code, Section **1326**.

Jan M. Adler
United States Magistrate Judge

11/17/07 @ 10:46 a.m.
Date/Time